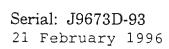
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## NATIONAL SECURITY AGENCY

FORT GEORGE G. MEADE, MARYLAND 20755-6000





Mr. Sanho Tree Research Associate Institute for Policy Studies 1601 Connecticut Avenue, N.W. Washington, DC 20009

Dear Mr. Tree:

This is the third in a series of replies to your 19 November 1993 letter appealing the National Security Agency's (NSA) refusal to release records responsive to your 26 August 1993 Freedom of Information Act (FOIA) request for "intercepts of Soviet transmissions commonly referred to as VENONA." On 10 July 1995, we provided you with the first 49 translations of the VENONA material, and on 10 October we provided you with another 259 translations. The declassification review of another set of documents has been completed, and translations of 559 messages are enclosed at Tab A. Additional document sets will be provided to you at a later date as their review is completed.

Some of the information deleted from the enclosures continues to meet the standards for classification set forth in subparagraph (a) of section 1.2 of Executive Order 12958. In addition, the information meets the specific criteria for classification established in section 1.5(b) and (c) and requires continued protection despite its age as set forth in section 3.4(b)(1). The information remains currently and properly classified CONFIDENTIAL and TOP SECRET in accordance with section 1.3 of Executive Order 12958. The information is classified because its disclosure could reasonably be expected to cause exceptionally grave damage to the national security. Accordingly, the information is exempt from disclosure pursuant to 5 U.S.C. § 552(b)(1).

Moreover, this same information is also protected against disclosure by 5 U.S.C. § 552(b)(3) which provides that the FOIA does not apply to matters that are specifically exempted from disclosure by statute. The applicable statutory provisions with regard to the information being withheld are: 18 U.S.C. § 798, which prohibits the release of classified information concerning communications intelligence activities to unauthorized persons; the National Security Act, 50 U.S.C. § 403-3(c)(5), which protects information pertaining to intelligence sources and methods; and Section 6 of the National Security Agency Act of 1959, (Public Law 86-36, 50 U.S.C. § 402 note), which provides that no law shall be construed to require the disclosure of the organization, personnel, functions or activities of NSA.

In addition, information regarding other individuals has been deleted from the enclosures in accordance with 5 U.S.C. § 552(b)(6). This exemption protects from

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disclosure information which would constitute a clearly unwarranted invasion of personal privacy. In balancing the public interest for the information you request against the privacy interests involved, I have determined that the privacy interests sufficiently satisfy the requirements for the application of the (b)(6) exemption.

It has been determined that NBF serial numbers contained in the documents may now be released. Those numbers have been highlighted on the first few messages of the enclosed documents so that you can determine where they appear in documents previously released to you. Because those numbers do not add any substantive value to the information contained in the documents, we assume that you do not require that we reinstate those numbers in the copies of the previously released documents.

Because information has been withheld from the enclosed documents, you may consider this to be a partial denial of your appeal. You are hereby advised of your rights under 5 U.S.C. § 552 to seek judicial review of this determination. You may seek an order from the United States District Court in the district in which you reside, in which you have your principal place of business, in which the Agency's records are situated (U.S. District Court of Maryland), or in the District of Columbia for the production of any Agency information which you consider to have been improperly withheld from the enclosed documents by this Agency. Title 5 U.S.C. § 552(a)(4)(B) sets out your rights in this matter with respect to such judicial action. You may wish to reserve your right to judicial review until we complete the processing of the documents.

A public release of the enclosed information is scheduled, and the information will also be made available for public inspection at the National Cryptologic Museum in Fort Meade, Maryland. Because of the unusual nature of the documents being released, a monograph explaining the translations has been prepared for the public releases. I have included a copy of the monograph with the enclosures for your use.

As we progress in the analysis and review of the VENONA materials, we have determined that some of the names withheld from previously released messages are now releasable. At Tab B you will find seven messages which were released to you in July with reinstated names.

Sincerely,

WILLIAM P. CROWELL

Freedom of Information Act/Privacy Act

Appeals Authority

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accompany the public re	lease.			
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